



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

SMC  
Docket No: 01734-01  
14 June 2001

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: AO1 [REDACTED], USN, [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 17Feb01 w/attachments  
(2) PERS-311 memo dtd 23May01  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected by removing the "Evaluation Report & Counseling Record (E1-E6)" for 16 November 1999 to 15 March 2000. A copy of this enlisted performance evaluation report is at Tab A.

2. The Board, consisting of Messrs. Bishop, Lightle, and Neuschafer, reviewed Petitioner's allegations of error and injustice on 14 June 2001, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), the Navy Personnel Command office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that his request has merit and warrants favorable action.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing therefrom the following "Evaluation Report & Counseling Record (E1-E6)" and related material:

Date of Report	Reporting Senior	Period From	of	Report To
17Mar00	[REDACTED], USN	16Nov99		15Mar00

b. That there be inserted in Petitioner's naval record a memorandum in place of the removed report, containing appropriate identifying data concerning the report; that such memorandum state that the report has been removed by order of the Secretary of the Navy in accordance with the provisions of federal law and may not be made available to selection boards and other reviewing authorities; and that such boards may not conjecture or draw any inference as to the nature of the report.

c. That appropriate corrections be made to the magnetic tape or microfilm maintained by the Navy Personnel Command.

d. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

e. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
JONATHAN S. RUSKIN  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

  
W. DEAN PFEIFFER  
Executive Director



DEPARTMENT OF THE NAVY  
NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

1734-01  
1610  
PERS-311  
23 May 2001

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: PERS/BCNR Coordinator (PERS-00ZCB)

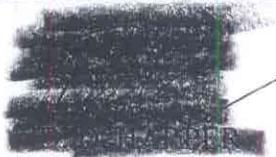
Subj: AO1 [REDACTED]

Ref: (a) CO, Electronic Attack Squadron ONE THREE SIX ltr 5812 Ser 00/095 of 4 April 2000  
(b) NPC ltr 5800 PERS-832C of 27 June 2000  
(c) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests the removal of his performance evaluation for the period 16 November 1999 to 15 March 2000.
2. Based on our review of the material provided, we find the following:
  - a. A review of the member's headquarters record revealed the report in question to be on file. It is signed by the member acknowledging the contents of the report and his right to submit a statement. The member did not indicated whether he did or did not desire to submit a statement.
  - b. The report in question is a Periodic/Regular report.
  - c. Reference (a) set aside the member's NJP on 4 April 2000. Reference (b) informed CO, VAQ-136 action had been taken to ensure that no documents relating to the member receiving NJP was in his official service record.
  - d. Per reference (c), Annex S, paragraph S-12, the trait mark in block-36, the comments in block-43, and the member's promotion recommendations are now considered inappropriate.
  - e. The member proves the report to be unjust or in error.

3. We recommend removal of the performance evaluation as we cannot determine what performance trait mark or promotion recommendation the member now deserves.



Head, Performance  
Evaluation Branch